

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH BUTTERCASE,

Defendant.

8:12CR425

ORDER

This matter is before the Court on defendant's request for return of property. [Filing No. 112](#). The Court ordered the government to file a response, [Filing No. 122](#), and the government filed said response, [Filing No. 123](#). On June 24, 2016, the defendant was sentenced after pleading guilty to an Information charging him with production and transportation of obscene materials and distribution in violation of Title 18, United States Code, Section 1465. On March 4, 2019, the defendant filed a motion pursuant to [Fed. R. Crim. P. 41\(g\)](#) for the return of the following property:

- a. SpeedTech 500 GB external hard drive and cords;
- b. E-Machine PC tower and cords, SN# GRY5A20017309;
- c. SanDisk media card;
- d. Lexar 128 MB media card; and

e. Seventy-seven (77) homemade compact discs from upstairs and living room.

The Court has reviewed the record, arguments and law. The Court finds as follows:

1. The motion for the return of the SpeedTech external hard drive and the E-Machine PC tower and cords is denied. Illegal material was found on both of these items by the Nebraska Attorney General's Office. These items contain images of criminally obscene material. According to the government, it is not possible to delete these items from the hard drive.
2. All other property shall be examined by law enforcement to determine if it contains contraband material. If it does not, the property should be returned to the defendant. If it does contain contraband, it should not be returned to the defendant.
3. The defendant's motion for the return of property, [Filing No. 112](#), is granted in part and denied in part as set forth herein.

IT IS SO ORDERED.

Dated this 27th day of January, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge